

## REMARKS

Claims 5-6 are pending. The Office action mailed February 8, 2006 rejected Claims 5-6. No pending claims are amended in this paper; the listing of claims is provided solely for the convenience of the Examiner. By way of this Response, Applicant hereby traverses the rejections.

Pursuant to 37 CFR 1.111, Applicant hereby respectfully requests reconsideration of the application.

### DOUBLE PATENTING REJECTION

The Office Action rejected Claims 5-6 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-2 of U.S. Patent No. 6,748,244. A terminal disclaimer in compliance with 37 CFR 1.321 is included with this communication. As this application and the cited patent are jointly owned, the Examiner is respectfully requested to withdraw this rejection.

### SECTION 102 REJECTIONS

Claims 5-6 were rejected under 35 USC 102 as being anticipated by Shah. With respect to this rejection, Applicant respectfully traverses.

The Office Action states that Shah discloses “a computer program product residing on a phone embedded in a vehicle” and “...detecting the presence of the personal mobile phone (see Shah section [0055], [0046], and claims 3 and 4)...” Applicant respectfully disagrees. Shah’s section [0055] discloses “the personal wireless telephone 201 may use the wireless LAN 207 to detect when it is in close proximity to the vehicular wireless telephone.” Thus, Shah’s mobile phone detects the presence of the phone embedded in the vehicle, while Applicant’s method teaches using the phone embedded in the vehicle to detect the presence of the mobile phone. It is

additionally not seen how Shah discloses a computer program product residing on a phone embedded in a vehicle if at least part of the method is performed by the mobile phone.

The Office Action states that Shah discloses “receiving a mobile subscriber identification number from the detected phone (see Shah section [0047], [0048]...).” Applicant respectfully disagrees. Shah discloses “the wireless LAN communication unit 205B may be disabled until it receives a proper activation code form the subscriber or the wireless service provider 121B” (Shah section [0047]). Additionally, Shah discloses “The subscriber may provide the identity authentication code by inputting the code directly into the personal wireless telephone 201 for its use in communication with the wireless telephone 201, or, e.g., the wireless service provider 121A may append the identity authentication code on all communications that may be relayed to the vehicular wireless telephone” (Shah section [0048]). Thus, Shah does not disclose receiving a mobile subscriber identification number from the detected phone, as claimed by Applicant.

The Office Action states that Shah discloses “...receiving a confirmation of the authentication...(see Shah section [0047], [0048], [0049], [0050], and [0051] ...)” Applicant respectfully disagrees. Shah states in section [0049], “It should be noted that verification of the identity authentication code can be performed either by the personal wireless telephone 201 or by the network 101A, or by a combination of both.” However, Shah fails to disclose that verification of the identity authentication code can be performed by the phone embedded in the vehicle, as claimed in Claim 5.

For at least these reasons, Applicant respectfully submits that Shah fails to anticipate Claims 5 and 6.

## CONCLUSION

In view of the Remarks set forth herein, all pending claims stand in condition for allowance. If the Examiner disagrees with the positions advanced herein, the Applicant respectfully requests that the Examiner, prior to issuing an action rejecting any of the pending claims, contact the undersigned to arrange a telephonic discussion of the application.

Respectfully submitted,

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